

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

James Luna, aka "Baby J"

Case No.

CR 23-71503-MAG*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2022 in the county of Santa Clara in the
Northern District of California, the defendant(s) violated:

Code Section

18 U.S.C. § 2114(a)

Offense Description

Robbery of Mail Matter, Money, or Other Property of the United States.

This criminal complaint is based on these facts:

See Affidavit of U.S. Postal Inspector Henry Pagba

☒ Continued on the attached sheet.

Approved as to form Neal Hong
 AUSA Neal C. Hong

Sworn to before me by telephone.

Date:

10/4/2023City and state: San Jose, CA*Complainant's signature*Henry Pagba, U.S. Postal Inspector*Printed name and title**Judge's signature*Nathanael Cousins, U.S. Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Henry Pagba, U.S. Postal Inspector with the U.S. Postal Inspection Service, being duly sworn, hereby state as follows:

INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of the issuance of a criminal complaint and arrest warrant for **JAMES LUNA (LUNA)** for a violation of 18 U.S.C. § 2114(a)—Robbery of Mail Matter, Money, or Other Property of the United States.

2. The facts set forth in this affidavit are based upon my personal investigation and information relayed to me by victims and other law enforcement personnel. Because this affidavit is submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint against **LUNA**, I have not included each and every fact known to me about this case. In addition, where I recount what I learned from others and from reviewing documents, I am recounting such information in sum and substance and in relevant part only. My interpretations and explanations of the significance of certain events, records, and statements discussed herein may evolve or change as the investigation progresses or new information is discovered.

AGENT BACKGROUND

3. I am a U.S. Postal Inspector, a Federal Agent, with the U.S. Postal Inspection Service (“USPIS”) and have been employed in this capacity since July 2013. I am currently assigned to the Major Crimes team in the San Francisco Division tasked with the investigation of crimes related to the U.S. Postal Service (USPS) including, but not limited to, robberies, burglaries, assaults, threats, mail theft, ID theft, fraud, and threatening or dangerous items sent through the mail. I attended a 12-week federal law enforcement training academy in Potomac, MD, where I received formal training in the investigation of the aforementioned crimes. I have also received training from other Postal Inspectors, federal, state, and local law enforcement officers who have done extensive work in the investigation of the aforementioned crimes. During my employment as a U.S. Postal Inspector, I have been the case agent or a contributing investigator for numerous

investigations involving robberies, burglaries, assaults, threats, mail theft, ID theft, fraud, and dangerous items sent through the mail. Additionally, through my training and experience, I have learned the different motivations and methods for which these crimes are committed.

APPLICABLE LAW

4. Title 18, Section 2114(a) of the US Code states that it is unlawful to “assault[] any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or [to] rob[] or attempt[] to rob any such person of mail matter, or of any money, or other property of the United States.”

FACTS SUPPORTING PROBABLE CAUSE

THE ROBBERY

5. On December 30, 2022, at approximately 3:59 p.m. a female United States Postal Service (USPS) letter carrier was robbed in Sunnyvale. Postal Inspectors interviewed the victim (V1) shortly after the robbery. V1 told the inspectors that V1 was delivering mail on V1’s route. As V1 approached a residence, V1 noticed a male adult wearing all black across the street. As V1 was making V1’s way toward a residence, V1 noticed that the male adult had appeared in front of V1. He was not wearing a mask.

6. The man then demanded V1’s keys. V1 asked the man if he would like for V1 to just open the postal truck and he said “No” and demanded the keys. V1 stated that the man was holding what V1 believed to be a firearm in his pocket. V1 saw a firearm handle sticking out of his pocket and the outline of an object in the pocket.

7. Fearful after seeing what appeared to be a firearm, V1 gave the man V1’s keychain, which contained: an Arrow key, a MAL key, an LLV key, and one key fob. An Arrow key and MAL (Modified Arrow Lock) key are USPS keys that are used to open a set of USPS mailboxes in a designated area. The keys taken from V1 are used to open mailboxes in the Sunnyvale area. An LLV key is used to open and operate a corresponding postal vehicle. All Arrow, MAL, and LLV keys are property of the USPS.

8. After V1 gave the man V1's USPS keys, the man then told V1 to turn away from him and to not turn around to look at him. The man then fled on foot. V1 told the inspector that the man was a skinny, light-skin, Hispanic male adult, about 5'5" tall. V1 further described him as having a short beard on his chin, possibly a short mustache, dark brown eyes with long black eyelashes, and in his late 20's to early 30's.

9. V1 also told the interviewing postal inspector that the handle of the firearm sticking out of the man's pocket looked similar to the inspector's firearm handle, which was a Glock 27 pistol.

MAIL THEFT

10. On February 11, 2023, a mail theft was reported less than two miles from where the above-described robbery occurred, at the locked community mailboxes located near 875 Cotati Terrace in Sunnyvale. The mailboxes were a delivery point for a large townhome community and were secured with locks which can be opened with the USPS keys taken from V1 in the robbery on December 30, 2022.

11. The resident who reported the mail theft provided surveillance video of the incident. I reviewed the video and observed that on February 11, 2023, at approximately 5:44 a.m., two Hispanic male subjects used keys to open the mailboxes and then stole mail from inside the boxes. Only a USPS key (Arrow and MAL) can open those boxes. The resident also reported that the surveillance video was shared with NBC Bay Area news.

12. On March 9, 2023, a San Jose Police Department (SJPD) officer contacted the USPIS and stated that she saw the NBC Bay Area news feature and identified one of the suspects in the 875 Cotati video as Person 1. The officer said that she recognized him because she had recently arrested him for another incident.

INTERVIEW WITH CI

13. On March 27, 2023, Inspector Alex Robert and I interviewed a Confidential Informant (CI)¹ who reportedly had information about recent mail thefts and robberies in the area. CI stated Person 1, aka “Little Man,” was the one “hitting all the Sunnyvale mailboxes” and was seen on the news. CI also stated that Person 1 “hit” mailboxes with “Baby J,” aka LUNA. CI said that about a month prior, CI was told personally by LUNA that he was the one who robbed the mailman at gunpoint. I reviewed DMV and booking photos of LUNA and confirmed he closely resembled one of the suspects depicted in the 875 Cotati mail theft video.

PHOTO LINE-UP – ROBBERY SUSPECT IDENTIFIED

14. On May 3, 2023, I conducted a photo line-up with V1. Prior to showing V1 any photos, I read and provided to V1 a USPIS Photo-Line Up admonishment form. The form read as follows:

1. Because a Postal Inspector is showing you a group of photographs, this should not influence your judgement in any way.
2. The person you are asked to identify may or may not be in this group of photographs.
3. It is just as important to eliminate innocent persons as it is to identify those individuals responsible for the crime.
4. You are in no way obligated to identify anyone.

15. V1 read, acknowledged, and signed the form. I then presented a photo line-up showing V1 a set of six photos of subjects (SET 1). The photos were labeled #1-6 with a photo of Person 1 included among the subject photos. The photos were presented one by one in order. After reviewing SET 1 twice, V1 said that V1 did not recognize any of the subjects.

16. I then showed V1 another set of six photos (SET 2), that contained photos of six different subjects from those included in SET 1. The photos in SET 2 were labeled #1-6 with a

¹ According to law enforcement, CI personally knows Luna. CI has numerous prior felony convictions, including convictions for violent crimes. CI also has pending state felony charges and may receive leniency as to those charges in exchange for CI’s cooperation. USPIS has paid CI a total of \$1500 for CI’s information.

photo of **LUNA** as photo #2. The photos were presented one by one in order. As soon as I placed photo #2 in front of V1, V1 placed V1's finger on the picture and said, "Oh, that's him. Yeah, that's him." V1 also stated that V1 had goosebumps from seeing the picture of **LUNA** as it brought back bad memories. I proceeded to show V1 the rest of the photos #3-6, then re-showed V1 SET 2 starting from photo #1 again. As soon as I placed photo #2 in front of V1 a second time, V1 nodded and again said, "Yeah, that's him." I then finished the line-up by showing V1 the rest of SET 2 photos #3-6.

17. V1 signed and initialed photo #2 indicating that V1 selected photo #2 (a booking photo of **LUNA**) as the subject that matched the suspect that robbed V1 on December 30, 2022. V1 said V1 remembered the face of the robber because he was not wearing a mask at the time of the robbery. Below is the photo of **LUNA** that V1 identified.



FOLLOW UP WITH CI

18. On May 17, 2023, Inspector Alex Robert conducted a follow-up interview with CI. Inspector Robert showed CI images from the surveillance video of the two subjects during the February 11, 2023, mail theft at 875 Cotati Avenue in Sunnyvale. CI identified one of the subjects as **LUNA**. CI also stated that when the video was featured on the news, CI spoke to **LUNA** and

told him that he was on TV. CI stated that LUNA said, “that’s me and Little Man,” and then LUNA told CI the story of “sticking up a mail man.”

CONCLUSION

19. Based upon the above facts, as well as my training and experience, there is probable cause to believe that on or about December 30, 2022, in the Northern District of California, LUNA knowingly robbed a United States Postal Service employee of property belonging to the United States, in violation of Title 18, United States Code, § 2114(a). Accordingly, I respectfully request that this Court issue a warrant for LUNA’s arrest.



Henry Pagba, U.S. Postal Inspector
United States Postal Inspection Service

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d) on October 4 2023. This application and warrant are to be filed under seal.



HON. NATHANAEL COUSINS
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 2114(a)—Robbery of Mail Matter, Money, or
 Other Property of the United States

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Maximum penalties: 10 years of imprisonment, \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

James Luna

DISTRICT COURT NUMBER

CR 23-71503-MAG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

United States Postal Inspection Service

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Ismail J. Ramsey

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Neal C. Hong

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: